

Remarks

In response to the Restriction Requirement, dated September 25, 2008, Applicants hereby elects without traverse Group III (claims 11 to 15) drawn to methods of promoting tissue vascularization.

Applicants note that claims 11 to 15 and 24 to 38 read on the elected invention.

Without prejudice or disclaimer and for the sole purpose of avoiding the payment of excess claim fees, Applicants have cancelled claims 6 to 10, 16, and 17. Applicants reserve the right to file a divisional application to any non-elected subject matter. Applicants have amended claims 24 to 33 so that they now read on the elected invention. Applicants have added new claims 34 to 38 and amended claims 11 and 12 to better define the elected invention. No new matter has been added.


Applicants reserve the right to file a divisional application directed to all subject matter determined to be non-elected.

Applicants respectfully draw the Examiner's attention to U.S. Patent Application No. 11/666,229 which contains technically related subject matter. A response to a Restriction Requirement outstanding in that application was filed on November 24, 2008.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: November 25, 2008
Morgan, Lewis & Bockius LLP
Customer No. 09629
1111 Pennsylvania Avenue
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP



Robert Smyth, Ph.D.
Registration No. 50,801